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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,408	11/30/2001	Elise Y. Tung Loo	21756-012600	2426

51206 7590 08/07/2006

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EXAMINER

HARRELL, ROBERT B

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/997,408

Applicant(s)

TUNG LOO ET AL.

Examiner

Robert B. Harrell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20060515.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: see attached Office Action.

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1. Claims 1-24 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The claims are more directed to Blocking Cache Flush Requests Until Completing Current Pending Requests In A Local Server And Remote Server.
3. The claims are now directed to blocking cache flush requests until completing current pending requests in a local server and remote server. However, the specification is not confined to only the defined invention within the claims. Thus a new Specification (including Drawings and Abstract), under 20 pages if possible, is required which modifies the brief summary of the invention and restrict the descriptive matter so as to be in harmony with the claims as they currently stand within this Application. Per MPEP 1302.01 patents should be confined in their disclosures to the respective inventions patented (see 37 CFR 1.71 and 1.73) and not complicated by extraneous matter. In doing so, the applicant is reminded to include all related United States Patent Application (i.e., Abandoned, Pending, or their corresponding United States Patent Number). The applicant is further reminded of the provisions of 37 C.F.R. 1.125, with respect to mark-up versions and to add a statement, on a separate paper that the Substitute Specification contains "No New Matter".
4. The applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks TM, and other legal symbols ®, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., provide proper antecedent basis for "the" and "said" within each claim). Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.
5. Use of active hyperlink and/or other forms of browser executable code is improper (see MPEP 608.01) and must be removed in the new specification. The reason being many OCR softwares will automatically associate (convert) such as an active (clickable) URL. Also, due to the dynamic nature of such links, they tend to become disabled rather than not in a relatively short time compared to the life of a Patent
6. The applicant's remarks, filed 15 may 2006, have been fully considered but are held moot in view of the new grounds of rejection.
7. Prior to addressing the grounds of the rejections below, should this application ever be the subject of public review by third parties not so versed with the technology (i.e., access to IFW through Public PAIR (as found on <http://portal.uspto.gov/external/portal/pair>)), this Office action will usually refer an applicant's attention to relevant and helpful elements, figures, and/or

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text upon which the Office action relies to support the position taken. Thus, the following citations are neither all-inclusive nor all-exclusive in nature *as the whole of the reference is cited* and relied upon in this action as part of the substantial evidence of record. Also, no temporal order was claimed for the acts and/or functions.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless -

(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

9. **Claims 1-24 are rejected under 35 U.S.C. 102 (e)** as being anticipated by Admas (United States Patent Number: US 6,356,996 B1).

10. Per claim 1, Adams taught both a local and remote server performing a method for a set of servers (e.g., see figure 1 (54) and col. 8 (line 40) while keeping in mind that clients who perform functions for others are also “servers” and figure 2 applies to not all nodes not only clients but computers such as servers per col. 7 (lines 45-58)) to respond to a request for a remote operation (e.g., see figure 4, col. 1 (line 39-et seq.) and col. 13 (line 19-et seq.) while keeping in mind in a multiprocessor systems requests were generated either internally or via the network), wherein said request is issued in a local server in said set of servers, said method comprising the steps of:

(a) said local server performing a local operation arising from said request (e.g., see figure 4 (performed on all computers in the system)) wherein said step (a) includes the steps of:

(1) said local server blocking new requests in response to said request (e.g., see figure 4 (162)),

(2) said local server completing service of requests in progress (e.g., see figure 4 (166)),
and

(3) said local server executing said local operation (e.g., see figure 4 (168 and 170)); and.

(b) a remote server in said set of servers also performing said remote operation arising from said request (e.g., see figure 4 (performed on all computers in the system)) wherein said step (b) includes the steps of:

(1) said remote server blocking all new requests in response to said request (e.g., see figure 4 (162)),

(2) said remote server completing service of requests in progress (e.g., see figure 4 (166)),
and

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(3) said remote server executing said remote operation (e.g., see figure 4 (168 and 170)).

11. Per claim 2, claim 3, claim 4, claim 5, claim 6, claim 7, and claim 8, given the above, Adams taught of blocking any new requests, performing any pending requests, and then performing a cache request operation when the cache was implemented in a request from/to a remote server or set of other servers, per col. 8 (line 40)), over a message channel (i.e., see figure 1 (network 30)) for a function from a set of functions (e.g., see col. 8 (line 38)) including a flush request and/or operation per figure 4 (164) while keeping in mind, per col. 13 (line 19-et seq.) that interrupts were requests generated internally or of the result of external over the network actions and/or requests and an request over a the network 30 had either a direct or indirect net effect on the server's processor cache.

12. Per claim 9 and claim 10, Adams server based network was generic in nature encompassing all known networks including the Internet that contained Web servers and Identity Servers (DNS).

13. Per claims 11-24, these claims do not teach or defined above the correspondingly rejected claims given above, and are thus rejected for the same reasons given above.

14. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this office action:

a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103, examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligations under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. 102 (f) or (g) prior art under 35 U.S.C. 103.

16. **Claims 1-24 are rejected under 35 U.S.C. 103 (a)** as being obvious over Adams (United States Patent Number: US 6,356,996 B1).

17. That which was anticipated was obvious as indicated above.

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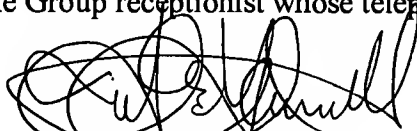
18. As also indicated above, Adams network was generic but encompassed all known networks including the Internet that contained Identity Servers (DNS) and Web Servers along with redundant servers as backups performing the same identical functions as the primary server performed since Adams taught of more than one server on a network and the Internet was known to contain redundant backup servers at many sites. Thus it would have been obvious to those skilled in the art to implement the apparatus and method of Adams on the Internet redundantly. Thus, it would have been obvious to those skilled in the art to block any new cache requested operations to permit any pending requests to complete and then perform the cache requested operation such as a full flush after all pending requests were completed within the server(s). Again, the claims are silent as to temporal ordering of the steps. It is also noted, per the teachings of figure 4 and figure 9, in part, it would have been obvious to those skilled the art to stay any cache flush and new requests until pending requests are completed per col. 13 (line 24-et seq.) and then the cache flushed and new requests processed after step 170 of figure 4 and 304 of figure 9. Thus it would have been obvious to implement Adams on the Internet which contained redundant DNS and Web servers that stay cache flush requests until pending requests were complemented in the servers.

19. *A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the data of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).*

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (571) 272-3895. The examiner can normally be reached Monday thru Friday from 5:30 am to 2:00 pm and on weekends from 6:00 am to 12 noon Eastern Standard Time.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew T. Caldwell, can be reached on (571) 272-3868. The fax phone number for all papers is (703) 872-9306.

22. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



ROBERT B. HARRELL
PRIMARY EXAMINER
GROUP 2142